

Town Council Meeting: 12 May 2008



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Mayor Keller called the meeting to order at 8:00 PM. Present were Councilmembers Berry, Hansen, Irons, Mandel, and Wegner. Also present was Administrator Pratt, Rick Folkers of the *Bugle*, Patrick Dunn of the *Gazette*, and a number of Town residents.

Approval of Agenda: The revised agenda was approved without objection.

Public Hearings:

- FY 2009 Constant Yield Tax Rate Hearing - Mayor Keller called the hearing to order at 8:02 PM and explained that the Constant Yield Tax Rate Notice (A copy of which is attachment #1 to these minutes) and Public Hearing were requirements under state law, and that the Town's tax rate would remain at 19 cents, the same as last year. Resident Bill Millard stated that his taxes had increased from \$8,000 to \$12,000, and that while he understood that the Town had not raised the tax rate, the increase in assessed values of Garrett Park property caused actual taxes paid to increase. He urged the Council to reduce the tax rate to the constant yield level of \$17.3 cents. Resident Matt Pasquinelli also expressed concerns about the impact of rising property taxes on residents.

Mayor Keller stated that he and the council were sympathetic to the problem faced by Town residents as a result of the appreciation in the value of their property, and that when it was appropriate, the Town would consider reduction of the rate, but at the moment an overall decline in revenues was projected for FY 2009. The Mayor noted that there are a number of relief mechanisms available to tax payers, and that the Town would endeavor to post information about them on the website. Mayor Keller reminded the meeting that the Town had reduced tax rates in the past and would certainly do so again in the future.

Resident Dick Fischman noted that Montgomery County was facing very difficult problems with major increases in union wages and an underfunded pension program, among others.

Mayor Keller closed the hearing at 8:18 PM

- 4609 Waverly Avenue - Doudoumopoulos/Burgess: Relief from provisions of Garrett Park Code Section 402 (front yard setback) to allow alterations to existing home (Continued from the 14 January 2008 Meeting): - Councilmember Irons opened the hearing continued from the 14 January 2008 meeting, noting that in the intervening time the Town had amended Section 402 through the adoption of Ordinance 2008-02. With the changes in the code the variance applied for (Application No. 103107-VA01) was no longer necessary and that a building permit (Application No. 103107-B01) could be issued.

Councilmember Berry **MOVED**

That the hearing be closed. The motion was seconded by Councilmember Wegener and **PASSED** unanimously.

- Demolition Permit Hearing: 11303 Rokeby Ave.: C. M. Conlan Contractors, Inc. (Continued from 04/14/2008) - Councilmember Irons reopened the continued hearing, noting the presence of a representative of the applicant, Christopher Conlan, who introduced himself to the Council and Mayor. In response to questions from Councilmembers and residents Mr. Conlan stated that if interested individuals contacted him he would arrange to meet them on the property for the purpose of allowing them to take away plants or parts of the house, if it was safe to do so. Mr. Conlan informed the Council that the new home he planned to construct would have approximately 4,000 square feet of living space, and he also agreed to coordinate the placement of the dumpster with the Town Office.

Councilmember Irons **MOVED**

That the hearing be closed. Councilmember Mandel seconded the motion, which **PASSED** unanimously.

Councilmember Mandel **MOVED**

That the demolition permit for 11303 Rokeby Avenue be granted. Councilmember Wegner seconded the motion, which **PASSED** was unanimously.

Presentations by Residents: Tara Flynn, President of the Garrett Park Cooperative Nursery School (GPCNS), addressed the Council on the issue of the future of the Garrett Park Recreational Building where the school is located in light of the letter from Royce Hanson, Chairman of the Montgomery County Planning Board, recently received by the Town (Attachment 2). Councilmember Wegner stated that the letter had caught the Town by surprise as previous communication with the Parks Department had indicated an understanding of the importance of the building to the Town and had committed to keeping it open for at least 2 years, and that the Town needed to respond by sending a letter back that:

1. Stated the unique history and importance of the building;
2. Asserted that any decision about the building's future had to be made through a community-wide process;

3. That to date there had not been a process that included the entire affected community;
4. That there had yet to be substantive discussions between the Parks Department and the GPCNS;
5. Noted that Chairman Hanson's letter made no reference to Parks Director Mary Bradford's role in the process; and
6. That there was no provision made for the needs of the GPCNS

Councilmember Wegner noted that the letter should also ask for data on the building's condition and maintenance record, and should ask for a meeting with Chairman Hanson as soon as possible. Councilmember Wegner **MOVED**

That the Mayor write such a letter to Montgomery County Planning Board Chair Royce Hanson. The motion was seconded. There was extended discussion. Mayor Keller noted that Chairman Hanson was to attend a meeting of the Montgomery County MML Chapter two days hence and that he could prepare a draft for the Council's review so as to have the letter ready to give to Mr. Hanson prior to that meeting, and called for the vote. The motion **PASSED** unanimously.

Mayor's Report:

- Mayor Keller noted he would be attending the Montgomery County MML Chapter meeting on May 14.
- Mayor Keller announced a brief ceremony on May 18, including the dedication of a Town tree donated by Dorothy Christler, to honor Mr. John Wilper's gift of a conservation easement on his property at 10701 Kenilworth Avenue to the Garrett Park Conservation Trust.
- The Mayor informed the Council that there was to be a meeting of the Western Montgomery County Citizens Advisory Board in the Town Hall at 7:00 PM on Monday, May 19 and that it will be discussing the needs and expectations of the residents of Garrett Park and the North Bethesda area.
- Mayor Keller thanked the Judges of Elections, Linda Knowles, Shirin Keyani, and Judy Heyman for their service in the recent Town election, noting that the new full-day polling hours made it a very long day for them, but that it certainly helped increase the turnout of voters.
- The Mayor told the Council that he would like to schedule a reorganizational meeting and would be in touch with Councilmembers to set up a date.
- Mayor Keller noted that the gavel he was using had been made by the late George Griffin, long-time resident and his neighbor for many years.

Councilmember's Reports on Areas of Responsibility:

- Councilmember Wegner updated the Council on the ongoing roads rehabilitation by NZI Construction – there had been a few weather-related delays, but the work was going very quickly and that the FY07/08 roadwork was completed and the FY09 work had begun. Councilmember Wegner noted that he would be walking the roads with Mark Lauman, the

VIEW Engineering resident engineer, to review the needed curbing work and expected that there would be some added work.

- Councilmember Wegner then read a draft resolution thanking former Mayor Carolyn Shawaker for her years of service to the Town. Mayor Keller and members of the Council joined Councilmember Wegner in expressing gratitude for the former Mayor's service. Councilmember Wegner **MOVED**

That the Council adopt a resolution thanking Former Mayor Shawaker for her service to the Town (attached 3). Councilmember Berry seconded the motion, which was **PASSED** unanimously.

- Councilmember Hansen reported that the Arboretum Committee was meeting on Wednesday to discuss the tree removals and other matters.
- Councilmember Berry reported that work had been nearly completed on the Cambria Park project, with modifications to the drain inlet grate near the pathway and the installation of the bollards and plantings still to be done.

Action/Discussion:

- Introduction of Ordinance 2008-04: Amending the FY 2008 Operating & Capital Budget - Mayor Keller and Administrator Pratt reviewed the proposed changes to the FY 2008 budget with the Council. Councilmember Wegner **MOVED**

That Ordinance 2008-04 amending the FY 2008 Operating and Capital Budget be introduced. Councilmember Irons seconded the motion, which was **PASSED** unanimously. (Attachment 4)

- Amendment & Adoption of Ordinance 2008-03: FY 2009 Operating & Capital Budget - Mayor Keller and Administrator Pratt reviewed the proposed amendments to the FY 2009 budget, introduced as Ordinance 2008-03 at the April meeting. Councilmember Berry **MOVED**

That Ordinance 2008-03, the FY 2009 Operating and Capital budget be amended as distributed. Councilmember Wegner seconded the motion, which was **PASSED** unanimously.

Councilmember Berry **MOVED**

That Ordinance 2008-03, the FY 2009 Operating and Capital Budget, as amended, be adopted. Councilmember Wegner seconded the motion, which was **PASSED** unanimously. (Attachment 5)

- Setting of FY 2009 Tax Rate and Municipal Refuse & Recycling Fee - Councilmember Wegner then **MOVED**

That the Town retain its current Real Property Tax Rate of nineteen cents (19¢) per one-hundred dollars (\$100) of assessed valuation, retain its Corporate and Personal Property Tax Rate of one dollar (\$1.00) per one-hundred dollars (\$100) of assessed valuation, and

set the Municipal Refuse Collection & Recycling Fee at \$395 per household. The motion was seconded by Councilmember Irons and was **PASSED** with Councilmembers Berry, Irons, Mandel, and Wegner voting 'Aye,' and Councilmember Hansen voting 'Nay.'

- Changing Signatories on Town Checking Account - Administrator Pratt noted that Former Mayor Shawaker needed to be removed as a signatory on the Town's checking account, and that Mayor Keller needed to be added. Councilmember Mandel **MOVED**

That Councilmember Wegner remains and Mayor Keller replaces former Mayor Shawaker as signatories on the Town's checking account. Councilmember Wegner seconded the motion, which **PASSED** unanimously

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council

Adjournment: The meeting was adjourned at 9:45 PM.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk/Treasurer